

**Executive Summary – Enforcement Matter – Case No. 44410**

**City of Lewisville**

**RN101212090**

**Docket No. 2012-1269-WQ-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

**Media:**

WQ

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

City of Lewisville PWS, 1400 North Cowan Avenue, Lewisville, Denton County

Water main and blowoff valve located southeast of the intersection of Old Orchard Lane and Creekview Drive, Lewisville, Denton County

**Type of Operation:**

Public water supply with a water main and blowoff valve

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

**Texas Register Publication Date:** November 9, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$6,750

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$6,750

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average by Default

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

**Executive Summary – Enforcement Matter – Case No. 44410**  
**City of Lewisville**  
**RN101212090**  
**Docket No. 2012-1269-WQ-E**

***Investigation Information***

**Complaint Date(s):** May 5, 2012

**Complaint Information:** Alleged that dead fish and a strong fish odor were in Timber Creek.

**Date(s) of Investigation:** May 3, 2012 and May 7, 2012

**Date(s) of NOE(s):** May 11, 2012

***Violation Information***

1. Failed to prevent the unauthorized discharge of pollutants into or adjacent to any waters in the state [TEX. WATER CODE § 26.121(a)(1)].
2. Failed to provide timely notification to the TCEQ of accidental discharges which cause pollution [TEX. WATER CODE § 26.039(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

Respondent has implemented the following corrective measures at the Facility:

- a. By May 1, 2012, ceased the discharge from the blow-off valve into Timber Creek and the unnamed tributary.
- b. By May 7, 2012:
  - i. Removed the dead fish from Timber Creek and the unnamed tributary; and
  - ii. Clearly identified the blow-off valve by painting and marking to prevent future incidents.
- c. By June 27, 2012, provided updated operational guidance to ensure that the TCEQ is properly notified within 24 hours of any discharge.

**Technical Requirements:**

N/A

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 44410**  
**City of Lewisville**  
**RN101212090**  
**Docket No. 2012-1269-WQ-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Michaelle Sherlock, Enforcement Division,  
Enforcement Team 2, MC R-13, (210) 403-4076; Debra Barber, Enforcement Division,  
MC 219, (512) 239-0412

**TCEQ SEP Coordinator:** N/A

**Respondent:** Claude King, City Manager, City of Lewisville, P.O. Box 299002,  
Lewisville, Texas 75029  
The Honorable Dean Ueckert, Mayor, City of Lewisville, P.O. Box 299002, Lewisville,  
Texas 75029

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

**DATES** Assigned **PCW** 11-Jun-2012  
25-Jun-2012 Screening 25-Jun-2012 EPA Due

## RESPONDENT/FACILITY INFORMATION

Respondent City of Lewisville  
Reg. Ent. Ref. No. RN101212090  
Facility/Site Region 4-Dallas/Fort Worth Major/Minor Source Minor

## CASE INFORMATION

Enf./Case ID No. 44410 No. of Violations 2  
Docket No. 2012-1269-WQ-E Order Type Findings  
Media Program(s) Water Quality Government/Non-Profit Yes  
Multi-Media Enf. Coordinator Michaelle Sherlock  
EC's Team Enforcement Team 2  
Admin. Penalty \$ Limit Minimum \$0 Maximum \$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)**

**Subtotal 1** \$8,750

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 0.0% Enhancement **Subtotals 2, 3, & 7** \$0

Notes No adjustment for compliance history.

**Culpability** No 0.0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** \$2,000

**Economic Benefit** 0.0% Enhancement\* **Subtotal 6** \$0

Total EB Amounts \$5  
Approx. Cost of Compliance \$3,950  
\*Capped at the Total EB \$ Amount

## SUM OF SUBTOTALS 1-7

**Final Subtotal** \$6,750

## OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

**Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** \$6,750

## STATUTORY LIMIT ADJUSTMENT

**Final Assessed Penalty** \$6,750

## DEFERRAL

0.0%

Reduction **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

## PAYABLE PENALTY

\$6,750

Screening Date 25-Jun-2012

Docket No. 2012-1269-WQ-E

PCW

Respondent City of Lewisville

Policy Revision 3 (September 2011)

Case ID No. 44410

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101212090

Media [Statute] Water Quality

Enf. Coordinator Michaelle Sherlock

**Compliance History Worksheet**>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 0%>> **Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%>> **Compliance History Summary**Compliance  
History  
Notes

No adjustment for compliance history.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 0%>> **Final Compliance History Adjustment****Final Adjustment Percentage \*capped at 100%** 0%

Screening Date 25-Jun-2012

Docket No. 2012-1269-WQ-E

PCW

Respondent City of Lewisville

Policy Revision 3 (September 2011)

Case ID No. 44410

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101212090

Media [Statute] Water Quality

Enf. Coordinator Michaelle Sherlock

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1)

Violation Description

Failed to prevent the unauthorized discharge of pollutants into or adjacent to any waters in the state. Specifically, on May 1, 2012, a potable water discharge occurred southeast of the intersection of Old Orchard Lane and Creekview Drive resulting in the discharge of approximately 2.0-2.5 million gallons of chlorinated water into Timber Creek and an unnamed tributary, killing approximately 230 fish.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 30.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment have been exposed to pollutants which exceed protective levels as a results of this violation.

Adjustment \$17,500

\$7,500

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	x
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

One daily event is recommended for the date that the discharge occurred.

## Good Faith Efforts to Comply

25.0% Reduction

\$1,875

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent returned to compliance on May 7, 2012.

Violation Subtotal \$5,625

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$5,625

This violation Final Assessed Penalty (adjusted for limits) \$5,625

# Economic Benefit Worksheet

Respondent City of Lewisville  
Case ID No. 44410  
Reg. Ent. Reference No. RN101212090  
Media Water Quality  
Violation No. 1

Percent Interest 5.0  
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
Item Description No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	1-May-2012	1-May-2012	0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$3,200	1-May-2012	7-May-2012	0.02	\$3	n/a	\$3
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to determine the source and stop the discharge, calculated from the date of the discharge to the date of compliance and the estimated amount to label the blow-off valve to prevent future errors and remove the dead fish, calculated from the date of discharge to the date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,700

TOTAL

\$3

Screening Date 25-Jun-2012

Docket No. 2012-1269-WQ-E

PCW

Respondent City of Lewisville

Policy Revision 3 (September 2011)

Case ID No. 44410

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101212090

Media [Statute] Water Quality

Enf. Coordinator Michaelle Sherlock

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.039(b)

Violation Description

Failed to provide timely notification to the TCEQ of accidental discharges which cause pollution. Specifically, a potable water discharge was discovered on May 1, 2012, but not reported to TCEQ until May 3, 2012.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 1

53 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

One single event is recommended.

## Good Faith Efforts to Comply

10.0% Reduction

\$125

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent achieved compliance on June 27, 2012.

Violation Subtotal \$1,125

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$1,125

This violation Final Assessed Penalty (adjusted for limits) \$1,125



# Economic Benefit Worksheet

Respondent City of Lewisville  
Case ID No. 44410  
Reg. Ent. Reference No. RN101212090  
Media Water Quality  
Violation No. 2

Percent Interest 5.0  
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
Item Description No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	2-May-2012	27-Jun-2012	0.15	\$2	n/a	\$2
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update operational guidance to ensure that unauthorized discharges are reported to the TCEQ within 24 hours, calculated from the date the notification was due to the date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$2

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600535140 City of Lewisville Classification: AVERAGE Rating: 3.12

Regulated Entity: RN101212090 CITY OF LEWISVILLE PWS Classification: AVERAGE Site Rating: 3.01  
BY DEFAULT

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0610004  
PETROLEUM STORAGE TANK REGISTRATION 27825  
WATER LICENSING LICENSE 0610004

Location: 1400 NORTH COWAN AVENUE, LEWISVILLE, DENTON COUNTY, TEXAS

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: June 25, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 25, 2007 to June 25, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Michaelle Sherlock Phone: (210) 403-4076

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

## Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
1 08/24/2010 (827291)  
2 10/01/2010 (864962)  
3 05/20/2012 (951456)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
N/A
- F. Environmental audits.  
N/A
- G. Type of environmental management systems (EMSs).  
N/A
- H. Voluntary on-site compliance assessment dates.  
N/A
- I. Participation in a voluntary pollution reduction program.  
N/A
- J. Early compliance.  
N/A
- Sites Outside of Texas  
N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF LEWISVILLE  
RN101212090**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2012-1269-WQ-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Lewisville ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a public water supply at 1400 North Cowan Avenue with a water main and blowoff valve located southeast of the intersection of Old Orchard Lane and Creekview Drive in Lewisville, Denton County, Texas (the "Facility").

2. The Respondent has discharged a pollutant into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation conducted on May 3 and May 7, 2012, TCEQ staff documented that on May 1, 2012, a potable water discharge occurred southeast of the intersection of Old Orchard Lane and Creekview Drive resulting in the discharge of approximately 2.0-2.5 million gallons of chlorinated water into Timber Creek and an unnamed tributary, killing approximately 230 fish.
4. During an investigation conducted on May 3 and May 7, 2012, TCEQ staff documented that a potable water discharge was discovered on May 1, 2012, but not reported to TCEQ until May 3, 2012.
5. The Respondent received notice of the violations on June 13, 2012.
6. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. By May 1, 2012, ceased the discharge from the blow-off valve into Timber Creek and the unnamed tributary.
  - b. By May 7, 2012:
    - i. Removed the dead fish from Timber Creek and the unnamed tributary; and
    - ii. Clearly identified the blow-off valve by painting and marking to prevent future incidents.
  - c. By June 27, 2012, provided updated operational guidance to ensure that the TCEQ is properly notified within 24 hours of any discharge.

## **II. CONCLUSIONS OF LAW**

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent the unauthorized discharge of pollutants into or adjacent to any waters in the state, in violation of TEX. WATER CODE § 26.121(a)(1).
3. As evidenced by Findings of Fact No. 4, the Respondent failed to provide timely notification to the TCEQ of accidental discharges which cause pollution, in violation of TEX. WATER CODE § 26.039(b).

4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Six Thousand Seven Hundred Fifty Dollars (\$6,750) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Six Thousand Seven Hundred Fifty Dollar (\$6,750) administrative penalty.

### **III. ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Six Thousand Seven Hundred Fifty Dollars (\$6,750) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Lewisville, Docket No. 2012-1269-WQ-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
4. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

2/18/12  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Lewisville. I am authorized to agree to the attached Agreed Order on behalf of the City of Lewisville, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Lewisville waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

9/4/12  
Date

Claude King  
Name (Printed or typed)  
Authorized Representative of  
City of Lewisville

City Manager  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.